REMARKS

This application has been reviewed in light of the final Office Action dated March 21, 2006 and the Advisory Action dated July 28, 2006. Claims 1, 3-11, 30-32, 37, and 39-44 remain presented for examination. Claims 1, 3, 5, 9-11, 37, 39, and 41 have been amended to even further clarify the claimed subject matter. Claims 1, 10, 11, and 37 are in independent form.

The Office Action dated March 21, 2006 set forth various claim rejections. In particular, Claims 1, 3, 4, 8, 30, 37-40, and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,115,157 A (*Barnard et al.*) in view of U.S. Patent No. 5,289,474 A (*Purcell et al.*). Claims 5, 6, 41, and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Barnard et al.* in view of *Purcell et al.*, and further in view of U.S. Patent No. 5,619,489 (*Chang et al.*). Claims 7, 9, and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Barnard et al.* in view of *Purcell et al.*, and further in view of U.S. Patent No. 6,108,113 A (*Fee*) and U.S. Patent No. 6,504,630 B1 (*Czarnocha et al.*). Claims 31 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Barnard et al.* in view of *Purcell et al.*, and further in view of U.S. Patent No. 5,060,226 A (*Gewin et al.*). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,619,489 A (*Chang et al.*) in view of *Purcell et al.*, and Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Barnard et al.* in view of *Purcell et al.* and *Fee*.

The continuation sheet attached to the Advisory Action indicates that the Request For Reconsideration filed on June 14, 2006 does not place the present application in condition for allowance because:

> "Examiner respectfully disagrees with Applicants' assertion that the combinations of references presented in the rejections of the final Office action do not suggest all the limitations of Applicants claims and therefore respectfully maintains the rejections in the final Office Action. Regarding Applicants' arguments concerning the teachings of Purcell et al. in particular, although Purcell et al. teach users entering test frames, they further teach storing a test frame in a memory 24 (column 8, lines 33-35; column 9, lines 16-18 and 43-69). Furthermore, Purcell et al. teach selectively entering and outputting, through a controller/computer element, a test frame chosen by a user out of a plurality of various possible test frames. Although Purcell et al. do not specifically teach pre-storing more than one test frame, Examiner respectfully maintains that it is well known in the communications and computing arts that multiple user inputs may be stored for future use so that users do not have to re-input previously determined information...."

However, it is respectfully submitted that the claims are patentable for the reasons set forth below.

Each of the independent Claims 1, 10, and 11 has been amended above to recite, in part, that the transponder includes a frame memory pre-stored with at least three predefined test frames <u>including a valid working frame, a valid service frame, and an error frame</u>, and a management interface controller is adapted to selectively output from the frame memory one of the at least three test frames pre-stored in the frame memory as a test signal.

The Office Action dated March 21, 2006 conceded that both *Barnard et al.* and *Chang et al.* do not teach generating a test signal by selectively outputting one of the at least three test frames pre-stored in a frame memory as a test signal. Indeed, nothing has been found or pointed to, in either of those references, that would teach or

suggest the above features of Claims 1, 10, and 11.

The Office Action asserted that "Purcell et al. ... teach selectively outputting a error/invalid frame or a valid frame as the test signal...", and cites col. 2, lines 23-40, col. 3, lines 6-11, col. 9, lines 1-14, and col. 15, lines 45-56 as support for this assertion. See the sentence bridging pages 3 and 4 of the Office Action. However, those portions of *Purcell et al.* relate merely to enabling a user to create a test message frame via a personal computer. As an example, from col 8, line 60 to col. 9, line 11, *Purcell et al.* states:

> When the interface is to be tested, the program advances from step 102 to step 108 where the operator creates a string of control characters representing the message frame for the test. This may be accomplished by the operator selecting the standard protocol header and end delimiter symbol sequences or specifying each symbol of these sequences. Each of the standard symbol sequences is selected by entering a single control code character into the computer instead of entering control characters for each symbol of the sequence. The operator can either specify a control character for each symbol of the data field or instruct the personal computer 18 to generate a specified number of one and zero symbols in a random pattern selected by the computer. By enabling the operator to specify each symbol of the message frame, invalid header, start delimiter and end delimiter symbol, sequences can be specified. This latter technique enables the reaction of the modem 12 and head end 16 to invalid symbol sequences to be examined.

As for the Advisory Action continuation sheet citing col. 8, lines 33-35 and col. 9, lines 16-18 and 43-69 of *Purcell et al.* , those portions state the following, respectively:

> A test is initiated by the operator writing the test message frame in the personal computer 18 where it is stored in the computer's memory.
>
> (Col. 8, lines 33-35).
>
> The message frame sequence defined by the operator is then stored within

the memory of the personal computer 18.

(Col. 9, lines 16-18).

> The test message frame symbols are loaded into the transmit memory 24 at step 117. In loading the test message frame into the transmit memory 24, personal computer 18 simultaneously forces the WRITE TXMEM control line 23 and the interface test set WRITE line 27 low. These two low signals generate a low level write enable signal from the first OR gate 25 which is applied to the write control terminal (WR) of the transmit memory 24. The personal computer 18 generates the four bits for each symbol and then combines the sets of four bits for two symbols of the message frame into a single nine bit data word. The ninth bit of the data word is zero. This word is sent in parallel over the data bus 17 into the transmit memory 24. The WRITE TXMEM control line 23 is then strobed to step the transmit memory 24 to the next storage location and the next pair of message frame symbols is stored in that location This process is repeated for each pair of symbols in the test message frame. If there are an odd number of symbols, four bits of dummy data are combined with the last message frame symbol to form eight bits of data for storage in the transmit memory 24. Although the network protocol may require that the message frame has a whole number of symbol octets, this restriction is not placed on the test message frame Following the storage of the last message frame symbol in the transmit memory 24, the personal computer 18 stores a nine bit word consisting of all ones into the transmit memory 24. The setting of the ninth bit of a data word stored within the transmit location indicates the end of the test message frame.
>
> (Col. 9, line 43 to col. 10, line 5).

Even if *Purcell et al.* be deemed to refer to an operator selecting a standard protocol header and end delimiter symbol sequences or specifying each symbol of these sequences, and a message frame sequence defined by the operator, nothing has been found or pointed out, in *Purcell et al.* that would teach or suggest a transponder that includes a frame memory pre-stored with at least three predefined test frames <u>including a valid working frame, a valid service frame, and an error frame</u>, and that also includes a management interface controller adapted to selectively output from the frame memory

one of the at least three test frames pre-stored in the frame memory as a test signal, as set forth in Claims 1, 10, and 11. Indeed, in *Purcell et al.*, user-designated data symbols in a series of data symbols do not necessarily contain predefined sequences of symbols (as explicitly stated in, e.g., col. 15, lines 53-56 of *Purcell et al.*). Moreover, col. 2, lines 11-20 of *Purcell et al.* appears to teach away from using only predefined test messages.

Because neither *Barnard et al.*, *Chang et al.* nor *Purcell et al.* teaches or suggests the above-emphasized features of Claims 1, 10, and 11, even if *Barnard et al.* or *Chang et al.* were to be combined with *Purcell et al.* as suggested in the Office Action (which, in any event, is not admitted as being obvious or technically feasible), the resulting combination still would not teach or suggest those features.

Further, the Office Action in the paragraph bridging pages 3 and 4, concedes that *Purcell et al.* fails to teach or suggest at least three predefined test frames pre-stored in a frame memory, and states, without any documentary support, that the positively recited limitation of having a frame memory pre-stored with at least three pre-defined test frames is well understood in the art. It is respectfully requested that documentary evidence be provided to support the foregoing assertion, or else the subject rejection should be withdrawn, because assertions of technical facts in areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference. See M.P.E.P. Sec. 2144.03.

Furthermore, M.P.E.P. Sec. 2144.03 clearly states that in order to establish a *prima facie* case of obviousness against a claimed invention, all features must be taught or suggested by the prior art. Because none of the references relied on in the Office Action to reject Claims 1, 10, and 11 teach or suggest at least three predefined

test frames, including a valid working frame, a valid service frame, and an error frame, pre-stored in a frame memory, it is respectfully submitted that the Office Action has failed to establish a *prima facie* case of obviousness against those claims.

For the above reasons, Claims 1 and 11 are each believed to be clearly patentable over *Barnard et al.* and *Purcell et al.*, and Claim 10 is believed to be clearly patentable over *Chang et al.* and *Purcell et al.*, whether those references are considered separately or in those respective combinations.

A review of *Fee* has failed to reveal anything that would remedy the above-noted deficiencies of *Barnard et al.* and *Purcell et al.*, whether considered separately or in combination, as references against Claim 11 herein. Accordingly, Claim 11 is believed to be patentable over *Barnard et al., Purcell et al.*, and *Fee*, whether considered separately or in combination.

Claim 37 is a method claim corresponding in many relevant respects to Claim 1, and also is believed to be patentable over *Bernard et al.* and *Purcell et al.*, whether considered separately or in combination, for substantially the same reasons as is Claim 1.

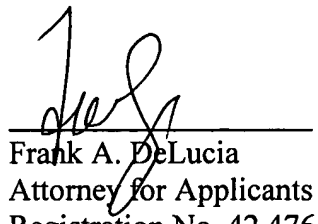
Each of the remaining claims depends from one or another of the independent claims discussed above, and also is believed to be patentable over the art relied on in the Office Action, at least for the reason that each depends from a patentable base claim. Nonetheless, since each dependent claim defines an additional aspect of the invention, the independent reconsideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, favorable

reconsideration and early passage to issue of the present application are requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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